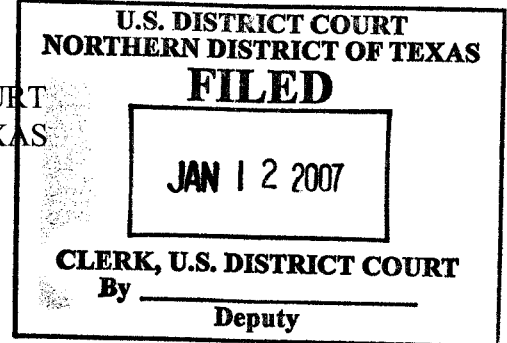


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



OTIS LAIRD BOGGESS,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:06-CV-0293

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*,  
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Before this Court is a Petition for a Writ of Habeas Corpus filed by petitioner OTIS LAIRD BOGGESS on November 2, 2006. Such application was filed without prepayment of the \$5.00 filing fee. With his application, petitioner submitted a request to proceed *in forma pauperis* and a certified *in forma pauperis* data sheet from the penal institution in which he is incarcerated. Permission to temporarily proceed in forma pauperis was granted November 2, 2006 pending supplementation. On November 20, 2006, petitioner BOGGESS supplemented by filing an Application to Proceed In Forma Pauperis along with a certified *in forma pauperis* data sheet as instructed by the Court. Such data sheet, however, showed petitioner to be ineligible for pauper status.

Consequently, on November 21, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application to

proceed *in forma pauperis* be denied, and that this cause be dismissed for failure to pay the \$5.00 filing fee. Petitioner was given fourteen (14) days to object. Petitioner did not object but was granted an extension, until January 4, 2007, to pay the filing fee. As of this date, no objections to the Report and Recommendation have been filed of record, nor has the \$5.00 filing fee been paid.

The undersigned United States District Judge has made an independent examination of the record in this case and has examined the Report and Recommendation of the Magistrate Judge. The District Judge is of the opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the application to proceed *in forma pauperis* filed by petitioner OTIS LAIRD BOGGESS is hereby DENIED, and the application for a writ of habeas corpus is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

ENTERED this 12<sup>th</sup> day of January 2007.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE